

Council Meeting
February 20, 2007, 5:01 pm

The meeting was called to order by President Spaetti, all councilmen and Attorney Wetherill were present.

Minutes

Winsett requested a correction in the minutes of January 16, 2007 on page 2; change Spaetti to Winsett.

Winsett made a motion to approve. Bunner seconded. All in favor.

Additional Appropriations

County General – Assessor Arnold requested \$12,500 for sales disclosure software needed for the Assessor's office. The company that was providing the service has discontinued the program. Kroeger made a motion to approve. Ebert seconded. All in favor.

Reassessment – Assessor Arnold requested \$8,500 to purchase new personal property software through the same vendor as the sales disclosure software. Ebert made a motion to approve. Kress seconded. All in favor.

Cumulative Capital – Clerk Jochim requested an additional for the balance of the new software and computer upgrade that was approved last month, and was under estimated by \$1,576. Kroeger made a motion to approve. Bunner seconded. All in favor.

County General – Clerk Jochim requested \$5,500 for a maintenance agreement for the election system software that was left out of the 2007 budget. Kress made a motion to approve. Winsett seconded. All in favor.

Courthouse and Jail Maintenance Supervisor – Auditor Shelton requested the balance of the contract salary for Joe King. It was not included in the budget because he was added as Jail Maintenance supervisor after budgets were approved. Kroeger made a motion to approve. Kress seconded. All in favor.

Trustee – The Clay County Trustee passed her Level II Certification. The state requires that when a trustee passes, they receive an additional \$1,000 pay each year, starting in the year in which the test was passed. Trustee Debra Kroeger passed her certification in 2006. Bunner made a motion to approve. Ebert seconded. Six in favor, with Kroeger abstaining.

Sheriff's Department Pension – Kroeger explained that this was supposed to be paid at the end of last year. There was a miscommunication between the sheriff's office and the auditor's office and it was not paid or encumbered. For this year, the county may not owe as much because the market is doing well. Winsett made a motion to approve. Gogel seconded. All in favor.

Cumulative Capital – Lindsey requested \$45,709 for the purchase of the two new sheriff's cars that have been ordered. Ebert made a motion to approve. Kress seconded. All in favor.

Highway Department – Bill Wirthwein and Charles Painter requested \$100,000 of the major moves money to be used for the purchase of equipment. Wirthwein presented a break down of the financing payment schedule on the current and proposed equipment. Gogel questioned why more of the major moves money was not requested and just purchase the equipment out right and not pay the financing charges. Wirthwein stated he thought the commissioners wanted to use the rest of the major moves money on other projects. Ebert said that the quality of the roads that were chip and sealed will be deteriorating because of the weather. Kroeger suggested that this needs to be discussed with the commissioners. Spaetti asked about the possibility of selling the old vehicles locally with sealed bids rather than trading in. Wirthwein said when they ask for bids on the new equipment they will ask for them with and without trade-ins. Bunner asked if the department could wait on any of the vehicles listed for purchase. Wirthwein stated everything is getting old, the oldest pick-ups have over 200,000 miles on them. The equipment listed is a priority. Kroeger asked if the commissioners discussed the possibility of using more of the Major Moves money and not financing the equipment. Painter said no. Kroeger made a motion to table the request until next month to give the council the opportunity to discuss the issue with the commissioners. Ebert seconded. All in favor.

Cumulative Capital – Rainbow Plaza Ornamental Lighting – Don Schulte, representing Rainbow Development requested \$19,000 for the installation and 10 year agreement with Vectren for four ornamental lights in Rainbow Plaza. Schulte stated that he is requesting the money for the lights because Vectren will not make the agreement with individuals, only organizations or government entities. Plaza Drive has been taken over by the county and is now a county road. The road is dark and will have increased traffic since the hotel will be opening soon. Schulte stated this is an opportunity for the county to create more projects and increase the tax base by

making it more attractive for other companies to come in. Schulte felt this would not set a precedence because this is the first created commercial property in the county in the last 50 to 80 years. The hotel alone with property tax and room tax will bring in approximately \$50,000 a year to the county. There are 14 acres of commercial property and will probably end up with eight to ten commercial entities, depending on how much land they want. He stated it is not just the tax dollars; it is dollars that the entities will be bringing in to the county. Win – win situation for the county and for the entities in the plaza. Winsett asked how many jobs were created in the hotel. Schulte stated thirteen. Winsett asked who else is looking to come in. Schulte said at this time there are two restaurants and a convenience store. Spaetti asked what the developers will do if the council says no. Schulte said they will have to wait until sometime down the road when there are enough entities to form a property owners association, but will need at least 4 entities to have an association. Ebert stated he appreciates Schulte's investment in the county, but there are a lot of places in the county that need street lighting. Schulte stated the difference is that this is a new commercial development. Winsett said that the council has given tax abatements and other incentives to companies coming to the county, and \$19,000 is a cheap investment for the county to increase the tax base. Wetherill stated that legally this would not set a precedent for the council. Spaetti asked how much of an investment has been made by the developers and the hotel. Schulte stated approximately 3 million. Ebert asked when Rockport is going to annex the plaza. Wetherill stated it is being talked about. Kroeger asked if developers would pay the bills for the agreement if the county would enter into the agreement with Vectren. Schulte said he could not speak for all of the developers; he is just one of twelve. Spaetti asked Wetherill if that is something the county could legally do. Wetherill stated the county has entered into contingent agreements before. Ebert stated that if a person builds a grain complex, they need adequate lighting and they put up their own lights. Schulte stated the difference is that they have not built a county road and created new commercial property. Spaetti stated that the developers paid for the road through Rainbow Plaza and built it to county specs. Schulte stated it was at a cost of ¾ of a million dollars, and now the county has taken over. Winsett made a motion to approve \$19,000. Bunner stated there are two good things that may have cost the county money down the road but will not, because they did not ask for an abatement and they built the road to county specs. Bunner also sees plenty of places in the county that could use lights. Kroeger said if it was held up to the LEDC scale for abatement it would not rate very high, but he thinks that Rainbow Development has done a wonderful job with the plaza and he appreciates what they have done for the county. Spaetti called for a second. Spaetti seconded. The votes for were Bunner, Winsett and Spaetti, the votes against were Ebert, Kroeger, Gogel, and Kress. The motion did not pass. Winsett made a motion for \$14,000 for the lights with the developers paying the balance. Spaetti seconded. The votes for were Bunner, Winsett and Spaetti, the votes against were Ebert, Kroeger, Gogel, and Kress. The motion did not pass.

Plat Book Update – Auditor Shelton requested \$1,000 for a printer head replacement of the plotter. Winsett made a motion to approve. Kress seconded. All in favor.

Riverboat – Spaetti asked Wetherill how the hearing went. Wetherill stated it went well; there is no ruling yet and probably will not have a ruling for a couple weeks. Very few legal bills due currently. Lueken stated the bulk of the work was done in this last week; the \$28,000 request is the best estimate of what the cost will be for that work. Kroeger asked how close this is to the end. Wetherill stated that there is no way of knowing until the judge comes back with a judgment. Spaetti asked if the money coming in from the contempt charge can be put back into the Riverboat fund. Shelton will check and report back. Winsett asked if from this day forward if all three attorneys are needed. Wetherill suggested that be discussed in executive session. Lueken stated that at each part of this, the defendants have not complied with county or state regulations. Gogel stated we need to find of a way of doing this in a more productive way. Spaetti stated the council would like to meet with the commissioners if they will ask for an executive session. Winsett stated it needs to be recognized that 2 drug dealers and a 16 year old girl were just arrested in the hotel. Lueken stated those are the negative secondary effects. Ebert stated we can not allow this to continue to happen. Wetherill strongly suggested an executive session be called. Kroeger made a motion to approve \$10,000, knowing that it is not enough, but that the invoices will be coming in. Ebert seconded. All in favor.

Transfers

Clerk- Clerk Jochim requested a transfer from printing to office machines. In order to avoid throwing away checks when the office changes banks, blank checks are being purchased and a printer that is designed to print the bank information on the checks purchased. Kress made a motion to approve. Winsett seconded. All in favor.

Sheriff's Office – Lindsey requested a transfer from Detective Sergeant to Deputy Sergeant in the amount of \$30,850, due to a change in scheduling. Transfer \$36,700 from Senior Deputy to Probationary Deputy due to the retirement of a senior deputy and the start of two new deputies. Transfer \$5,950 from deputy to probationary deputy, also due to the start of two new deputies. Transfer \$355 from Emergency Deputies to Sheriff's Seminars, due to the newly elected sheriff's seminars Lindsey needed to attend. Gogel made a motion to approve all of the transfer requests of the Sheriff. Kress seconded. All in favor.

Pre-trial Diversion

Deputy Prosecutor Wilkinson was present to request a transfer of \$500 from Computer Access to Miscellaneous. Ebert made a motion to approve. Kroeger seconded. All in favor.

Building Inspector – Salary Ordinance

Spaetti explained an amendment to the Salary Ordinance needed to be signed to set the rate of \$25 per inspection for the Building Inspector. Kress made a motion to sign. Gogel seconded. All in favor.

Parks Board

John Limp and Max Schumacher of the Parks Board stated that they are expecting an increase in activity in the Rockport Park with the Lincoln Centennial Celebrations over the next couple of years and one of the roads is currently impassable. The Parks Board does not have enough money in their budget to repair it. They will be talking to the commissioners at their meeting March 20th. Kroeger suggested that they also talk to Phillip Schmidt.

Council Legal Fees

Spaetti stated the budgeted amount for legal fees for the Council is down to about \$700 and an additional amount of \$1,000 needs to be advertised for the next meeting.

Old EMS Building

Wetherill stated that several councilmen, a commissioner, King, and the Sheriff walked through the old EMS building and all agreed there are significant problems. Gogel stated he reported to the commissioners that the county would be better served by demolishing the building.

LTRSD

Spaetti addressed the people attending the meeting regarding the Luce Township Regional Sewer District. He stated COIT funds have been used for infrastructure projects throughout the county. The council voted to give \$150,000 a year to Luce Township to find a solution to problems brought to the council's attention by the Health Board because of problems they were encountering and the study done finding e-coli in the ditches. Garrett, LTRSD president, stated that he sent the council an annual report, and asked if the council had any questions. Kroeger stated that he and two other councilmen met with the State Board of Accounts after they completed the audit of the LTRSD. The state auditor said everything looked fine; there were no problems. The State Board has not approved the audit yet, when it is final, it will be available on the state website. Kroeger stated all expenditures were well explained and well managed. Spaetti asked what the LTRSD expects to gain by the council signing the resolution presented at the last meeting. Garrett stated it will let the community know that you support and stand behind the board. The board will then take the resolution to Rural Development. Spaetti asked what assurance can the citizens have that the bills will be as promised. Garrett stated the state average is \$65 and Rural Development will help the board keep the average at \$65. Spaetti stated that he has been asked by people who have built a new system in the last few years why they should hook on. Garrett stated that the State of Indiana says that if a sewer line passes within 300 feet of your property you must hook on. There are provisions for them to wait to hook on, but there will be no guarantee that the tap on fee will remain \$2,000 when they do. Robinson stated that according to statute if a home owner has put in a new system and taps on they will receive a reduction in their bill for a period of time. Bond stated that the reduction in the bill will be a greater savings than waiting to tap on later. Spaetti asked what the rates are in Fulda. Gogel stated they pay a flat \$64 and the usage does not matter. Packer stated that the rate at Fulda is based on 20 years because she understood that that is the life of the system. Lueken stated he understood the life of the system at Fulda is not 20 years and could have unlimited life. Wetherill stated the

council's role is limited. They cannot make people sign their easements. He asked what the LTRSD board is looking for from the council. Garrett stated that they would like the council to sign the resolution stating that they are behind the project, then they will take it to Rural Development. Robinson thanked the council for the COIT funds the council has given to this project and to the other communities. Ebert stated that by agreeing to give the COIT funds, he has signed his resolution. Winsett stated that since there is such a problem with over 400 people refusing to sign easements, if it is legal, he requested that both sides meet with a mediator. Garrett stated that the board has worked on this for 10 years and done everything possible to make it work and they can not get it done any cheaper. He also stated a resolution has been passed by the board to help low income people. Winsett requested again that the board go to mediation with a licensed mediator. Robinson asked how public health can be mediated. Winsett stated he is not arguing that issue; it is clear that there is a problem with 400 unsigned easements. A gentleman from the audience stated he doesn't understand how much debt has already been put on the community. Kroeger explained the only thing the council has done is appropriated 3 million dollars to build a system. The LTRSD Board is in charge of choosing the system. The payments will continue unless the project fails and then they will stop. Kroeger stated he still feels that the area is in need of a system, but he or the council is not going to endorse a particular system. Bond stated he will be willing to meet with any mediator. Bond discussed a project in Sanborn that is the same size as Richland. He also stated that the LTRSD board authorized the State Board of Health to go door to door in Richland and do testing to find out the scope of the problem. Norman Feige stated the problem is not the residents; the problem is the board's inability to get sufficient grant money to bring down the monthly fee. He further stated that the cost could be cut in half if the move was made to the cluster system. Edie Weber stated that she doubted that the majority of the homeowners will ever sign their easements and alternate solutions should be evaluated. She was glad the State Health Department was testing Richland. She requested that the county COIT funds be redirected to the lowest cost solution. She also requested that in 2008 an appropriation be made to a fund to help homeowners who have failing systems and the fund could be administered by the township trustee Pete Rapp. Jim Carter, who is a 50 year resident, stated his concern is that there are a high number of elderly people who will not be able to afford the monthly bill. Ed Ingram, a resident of Richland, stated he had input into the Fulda system, and researched several systems. He explained that the constructed wet lands have been studied in Canada for 20 years and systems in Europe have been in operation for 30 years. He further stated that after the health board testing, he feels that they will find there is not a need for a system for the whole community. Ramona Daming, of Richland, stated that Rockport has a sewer system and it has not grown, so what happens when the people of Luce Township cannot pay their bills. Deanna Gordon stated she has followed this since 1997, and she distributed a Journal-Democrat article dated January 15, 1998 entitled "Luce Township working toward sewer system". She stated that this situation is like a wreck at an intersection with four different directions coming together and everyone seeing something different, but the underlying connection is that they are not in favor of the project as it exists. The article discusses a corporation that was formed and members paid \$50 to join. As a member she was never sent any information, a survey asking about the public interest, need or feasibility. The corporation was in effect for five years. The corporation was then dissolved and the assets distributed to the trustee of Luce Township. During this five year period two options were given to the township, either go to Rockport or build a new plant, they chose to go to Rockport. Gordon stated what she is trying to show that there are several questions she and others have had, and the meetings of the LTRSD that were attended were confrontational. She stated that in 2002 a dissolution of the Luce Township Sanitary Sewers was filed with the state and it was marked that no membership to the corporation was issued. She said she was told that the board does not get any money, but in the bi-laws it says that the board members will be paid \$50 for meetings. She said they should have trust in our governmental bodies, and there has to be give and take, it cannot be one sided. Gene Steinkamp stated that the system that is chosen is completely ready to go in the ground, it is not controversial; it is a conventional system. He further stated that there are people in Hatfield today who cannot flush their toilet and they cannot do laundry, and it has been that way since Thanksgiving. If the system is redesigned it will take another million or more dollars of money that will go down the drain. He said there are people in need and it needs to be done. Kress stated that this could be done by now if everyone was willing to work together. Kathy Tretter asked why Richland is the only one being studied. Garrett stated Richland was chosen because it was the worst area according to the study by BLA. Garrett stated Luce Township has a large underground water source and it needs to be protected, but the main goal

of the board is to protect the people of Luce Township. The board has been working for a system with the lowest cost possible. Garrett stated that he knows there are systems that have failed. The area will not get a good system any cheaper. Wetherill read a letter from Jim West, a resident of Richland. The letter stated that in the 50's when people installed indoor bathrooms, many people installed their own system and they were not done properly. With the addition of washers and dishwashers, these systems are failing. He believes that most of the people having problems today have these defective systems. He further wrote that he disagreed with running the system to French Island, because it is in a flood zone and because of the distance from Hatfield. He questioned what would happen to the grinder pumps if they are under water. Stevenson stated that the grinder pumps are sealed to protect against standing water. Garrett stated that the grinder pumps will be owned by the district and if a pump breaks they will replace them. A second letter was read by Wetherill from Leroy and Joicelyne Driskell, residents of Luce Township. The letter stated that they paid \$50 when the sewer board was formed to help get things started, but eight of the nine board members will not listen to suggestions made. They feel that the currently proposed system is not affordable. They also stated that they do not want a grinder pump in their yard or to be forever indebted to Rockport. Spaetti asked when the Health Department will do the testing. Garrett stated that he will ask Stallings but he thinks it will be in April. Wetherill stated that this meeting is not for conflict resolution, the COIT funds are secured for this year. Stevenson stated that this has been a 10 year process and there have been problems with communication. He said if mediation would help in clearing up the miscommunication, he would be for it. He stated that if the resolution was signed by the council it would show the people of the community, the community banks that are involved, and Rural Development that there is county support. Spaetti asked the council if they would be willing to pay for a mediator. Winsett, Kress and Spaetti said yes. Bunner said he would be willing to consider it. Kroeger said he did not know because he was unsure if a mediator would help unless they have full authority to reach a resolution. He stated that those opposed to the system should consider that a million dollars has already been spent on engineering fees which is money down the drain if a different system is designed. The major problem seems to be that the people who haven't signed are unsure of what their costs will be. Kroeger stated that he is in favor of a community having the authority to implement projects like this where the majority rules because in America there would be little infrastructure if we waited until there was 100 percent support. The community should respect the board for the years of dedication they have put into this project. The council would not have put the county's money behind them if they did not feel the board was trying to do the very best thing for the community. Bond stated that for mediation to work, both sides would have to put up something; the sewer board would have to put up the signed easements and the opponents the unsigned easements. Dean Bolin asked the opponents of the system if any of them would be willing to put their easement up for mediation. There was no response. Wetherill stated that there are many different types of conflict resolution, it does not have to be binding. Bill Young of the County Health Board stated that the Health Board has questions about the request for testing and asked that Robinson contact the Health Department for clarification. He also added that the Health Board was just discussing a resident in Hatfield who has not been able to use their system for the last two weeks, and they have heard the same story over and over again in the last few years. He is currently reading the wastewater study that was done in the area. Spaetti asked the council if any were interested in discussing the resolution presented by LTRSD. He said he is hesitant to sign and commit to a \$90 bill, and the council has already made a commitment to give the money to build a system. Stevenson stated that the board has repeatedly stated that if it turns out to be a \$90 bill, they will go back to Rural Development for more money to bring it down. The reason the resolution was presented was to document support that can be taken to Rural Development and the note holders to show them the support in case more money is needed to buy the rate down. He also stated that if the council later changes their minds and decides the board is not doing what is expected, they can always change the resolution. A woman in the audience asked if it was possible for people to sign their easements with a cap on how high the bill will be. Garrett stated that he would have to ask Rural Development if that would be acceptable. Larry Blair, a resident of Luce Township, stated he is concerned that ten years into a project they still do not know how many residents have problems. Robinson stated the County Commissioners authorized BLA to do a feasibility study and County Health Officer Stallings estimated that 50% of the systems were failing. Robinson gave Blair a copy of the study. Darryl Haynes stated he has been drinking this water all his life; his current system is fine. He stated that tests of water in Richland have found nothing bad. He asked Garrett for confirmation and Garrett disagreed. Haynes asked who has water that

has tested bad. Garrett refused to answer because he was not going to name a property owner in a public meeting and be held liable for problems it would cause them. Winsett asked the board again if they would be willing to mediate. Garrett said it would be up to the board and he will ask at their next meeting. Spaetti asked if there was a council member willing to make a motion for the resolution. Ebert stated that the people of the community and the board need to communicate. Spaetti thanked everyone for coming. Winsett made a motion to adjourn. Kress seconded. All in favor. The meeting was adjourned at 8:45 pm.

County Council,

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President	
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Attest:	
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Cindy Shelton, Auditor	
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